



Kenneth M. Carpenter, Esq., Chief
Executive Officer
Glenda S. Herl, Chief Operating
Officer
Kenny Dojaquez, Esq.
John D. Niles, Esq.
Sara N. Huerter, Esq.
Kent A. Eiler, Esq.

April 22, 2024

Mr. Peter R. Marksteiner
Clerk, U.S. Court of Appeals
for the Federal Circuit
717 Madison Place, N. W.
Washington, D.C. 20439

RE: **Ravin v. DVA**
No. 2022-2104
Citation to Supplemental Authority

Pursuant to Fed. Cir. R. 28(j), the following significant authority has come to the attention of counsel for the appellant after briefing in this matter has been completed. Mr. Ravin at pages 7-9 of his opening brief argues that his appeal meets the *Williams* criteria as an exception to this Court's jurisdiction to review remand decision of the Veterans Court. The Secretary argues that Mr. Ravin's appeal does not meet the *Williams* criteria.

In support of Mr. Ravin argument regarding the *Williams* criteria he submits the following supplemental authority:

Chavez v. McDonough, Fed. Cir. No. 2022-1942, decided by this

Citation to Supplemental Authority

P.O. Box 2099
1525 SW Topeka Blvd., Ste D
Topeka, KS 66601
Phone: 785-357-5251 Fax: 785-357-4902

April 22, 2024

Page 2

RE: Citation to Supplemental Authority

Court on April 19, 2024.

The panel in *Chavez* explained that when the Veterans Court is legally compelled to reverse the Board outright and may not remand the case to the Board for further proceedings that is a “clear and final decision” by the Veterans Court which satisfies the first *Williams* factor. In addition, the decision in *Chavez* explained that the second and third *Williams* factors are satisfied when the decision of the Veterans Court is adverse on the legal issue raised by an appellant, such a decision is clearly harmful to the appellant and because the legal issue raised—his right to a favorable decision on the merits without a remand—would be mooted if a remand is ordered, regardless of whether he ultimately prevails on remand.

Counsel believes that the holding in this case supports Mr. Ravin’s assertion that his appeal meets the *Williams* criteria as an exception to this Court’s jurisdiction to review remand decision of the Veterans Court.

Thank you for your attention to this matter.

Respectfully submitted,

/s/ Kenneth M. Carpenter

Kenneth M. Carpenter
CARPENTER, CHARTERED
1525 SW Topeka Blvd, P.O. Box 2099
Topeka, Kansas 66601-2099
(785) 357-5251
carpgh@mindspring.com

Attorney for Claimant-Appellant
Sean A. Ravin

April 22, 2024

Page 3

RE: Citation to Supplemental Authority

CERTIFICATE OF SERVICE

I certify that on the 22nd day of April 2024, the foregoing submission of supplemental authority was electronically filed through CM/ECF system with the Clerk, United States Court of Appeals for the Federal Circuit and two paper copies of the same document were mailed to the Clerk, United States Court of Appeals for the Federal Circuit by United States Mail, postage prepaid. Copies of the document were served through the Court's CM/ECF system via the Notice of Docket Activity to:

Kyle Beckrich
Department of Justice
Civil Division, Commercial Litigation Branch
Name of Counsel
kyle.beckrich@usdoj.gov

/s/Kenneth M. Carpenter
Kenneth M. Carpenter

April 22, 2024

Page 4

RE: Citation to Supplemental Authority

**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

RAVIN v. McDONOUGH

No. 2022-2104

CERTIFICATE OF INTEREST

Counsel for the Claimant-Appellant certifies the following information is accurate and complete to the best of my knowledge:

1. Represented Entities. Fed. Cir. R. 47.4(a)(1).

The full name of all entities represented by undersigned counsel in this case:
Sean A. Ravin.

2. Real Party in Interest. Fed. Cir. R. 47.4(a)(2).

Full names of all real parties in interest for the entities. (Do not list the real parties if they are the same as the entities):
Same.

3. Parent Corporations and Stockholders. Fed. Cir. R. 47.4(a)(3).

Provide the full names of all parent corporations for the entities and all publicly held companies that own 10% or more of stock in the entities:
None.

4. Legal Representatives. Fed. Cir. R. 47.4(a)(4).

List all law firms, partners and associates that (a) appeared for the entities in the originating court or agency or (b) are expected to appear in this Court for the entities. (Do not include those who have already entered an appearance in this court):

Sean A. Ravin, Esq.

Citation to Supplemental Authority

April 22, 2024

Page 5

RE: Citation to Supplemental Authority

1550 MADRUGA AVENUE, SUITE 414
CORAL GABLES, FLORIDA 33146

5. **Related Cases. Fed. Cir. R. 47.4(a)(5). See also Fed. Cir. R. 47.5(b).**

The case titles and numbers of any case known to be pending in this court or any other court or agency that will directly affect or be directly affected by this court's decision in the pending appeal:

None.

6. **Organizational Victims and Bankruptcy Cases. Fed. Cir. R. 47.4(a)(6).**

Any information required under Fed. R. App. P. 26.1(b) (organizational victims in criminal cases) and 26.1(c) (bankruptcy case debtors and trustees):

None.

Date: April 22, 2024

/s/ Kenneth M. Carpenter

Kenneth M. Carpenter

CARPENTER, CHARTERED

1525 SW Topeka Blvd, P.O. Box 2099

Topeka, Kansas 66601-2099

(785) 357-5251

carpgh@mindspring.com

/s/ Kenneth M. Carpenter

Kenneth M. Carpenter

CARPENTER, CHARTERED

1525 Southwest Topeka Boulevard

Post Office Box 2099

Topeka, Kansas 66601

(785) 357-5251

carpgh@mindspring.com